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April 1, 2013

Gary Miller, Remedial Project Manager
U.S. Environmental Protection Agency, Region 6
Superfund Division (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Remedial Investigation/Feasibility Study (RI/FS) Schedule – Correspondence dated March 25, 2013 regarding Draft Baseline Human Health Risk Assessment (BHHRA) San Jacinto River Waste Pits Superfund Site, Harris County, Texas, Unilateral Administrative Order, CERCLA Docket No. 06-03-10

Dear Gary:

This letter is submitted on behalf of the Respondents for the San Jacinto River Waste Pits Superfund Site (International Paper Company and McGinnes Industrial Maintenance Corporation), in response to your correspondence dated March 25, 2013 regarding USEPA's "approval" of the Draft BHHRA, subject to modifications as set forth in the Agency's comments.¹ These comments are the first substantive comments that have been provided to Respondents with respect to the Draft BHHRA, which was submitted to USEPA on December 5, 2012. The comments raise at least 19 substantive issues related to this document.

Under the current agreed-upon schedule for the RI/FS, the approved November 2012 Revised RI/FS Schedule (Schedule), USEPA had committed to provide comments on the Draft BHHRA by January 24, 2013 and Respondents were to have 25 business days to submit a revised Draft of the BHHRA to USEPA (by February 28, 2013, assuming timely receipt of

¹ A PDF version of the letter was received by email from Gary Miller to David Keith on March 25, 2013; the hard copy of the letter was received by David Keith on March 28, 2013.

USEPA's comments). USEPA was to then complete a review of the Draft Final BHHRA and provide approval of the BHHRA by March 28, 2013, with a Final BHHRA to be submitted 10 business days later (or by April 11, 2013, assuming receipt of no additional USEPA comments on the Draft Final BHHRA). This schedule was worked out between USEPA and the Respondents to ensure that there would be an opportunity for Respondents to address USEPA's substantive comments on the Draft BHHRA. It was also intended to ensure that the BHHRA (together with the Remedial Investigation (RI) Report), which provide the underpinnings for the Draft Feasibility Study, would be completed sufficiently in advance of the May 2, 2013 deadline by which, under the Schedule, Respondents are to submit the Draft Feasibility Study.

USEPA's "approval" of the BHHRA on March 25, 2013, subject to numerous substantive comments and requiring extensive modifications to the Draft BHHRA, is inconsistent with the agreed-upon Schedule and process. It comes 60 days after the deadline by which USEPA had agreed to provide comments on the Draft BHHRA. By proceeding in this fashion, USEPA appears to have unilaterally eliminated the interim period for review and response to substantive comments and shortened the review period. USEPA's actions are of particular concern because USEPA has yet to provide comments on the Draft RI Report, which was submitted to USEPA along with the Draft BHHRA on December 5, 2012. Per the Schedule, comments on the Draft RI Report were also due on January 24, 2013, and it is also our understanding the Draft RI Report may be "approved" in a similar manner (i.e., approval subject to substantive comments and requiring Agency-mandated modifications).

In light of USEPA's recent delivery of the "approval" of the Draft BHHRA and the anticipated "approval" of the Draft RI Report, the Respondents request an opportunity to discuss with you a revised Schedule that provides Respondents with a reasonable response time to address USEPA's comments and to make modifications to the BHHRA, to address USEPA's comments on the Draft RI Report once such comments are provided, and a revised date for submittal of the Draft Feasibility Study. In the meantime, we are diligently working to address comments received from USEPA on the Draft BHHRA.

Sincerely,



David C. Keith
Project Coordinator
Anchor QEA, LLC

Cc: Phil Slowiak, International Paper Company
Dave Moreira, McGinnes Industrial Maintenance Corporation
Jennifer Sampson, Integral Consulting Incorporated